

REMARKS

Claims 1-3, 6, 12 18-20, 24-27, 58-61 and 69-83 are pending in the Application.

Claims 1-3, 6, 12, 18-20, 24-27, 58-61 and 69-83 stand rejected.

I. CLAIM OBJECTIONS

Claim 71 has an antecedent basis problem with respect to the limitation "the switching circuitry." In response, Applicants have amended claim 71 to rearrange the limitations to correct the antecedent basis problem. Since the claim scope remains the same, such amendments to claim 71 and incorporated by reference in any claims depending therefrom, are not narrowing amendments made for a reason related to the statutory requirements for a patent that will give rise to prosecution history estoppel.

II. DRAWINGS

The Examiner objects to the drawings stating that item 1402 in FIGURE 14 is missing. Applicants respectfully traverse. 1402 is properly labeled in FIGURE 14 and referred to in the Specification on page 21, line 10, in addition to other references throughout the Specification.

III. REJECTIONS UNDER 35 U.S.C. § 112

Claim 20 stands rejected under 35 U.S.C. 112, second paragraph. The Examiner asserts that the phrase "single processing means" is not clearly defined. In response, Applicants have amended "single processing means" to "one processor" in claim 20. Applicants have further amended claim 18 to be dependent upon claim 2. These amendments are merely to correct antecedent basis problems, and are not narrowing amendments made for a reason related to the statutory requirements for a patent that will give rise to a prosecution history estoppel.

IV. REJECTIONS UNDER 35 U.S.C. 102

Claims 1-3, 12, 18-20, 24-27 and 70-73 stand rejected under 35 U.S.C. 102(e) as being anticipated by *Heidari* (U.S. Patent No. 5,790,957). In response, Applicants respectfully these rejections. As the Examiner is well aware, for a claim to be anticipated under 35 U.S.C. 102, each and every element of the claim must be found within the cited prior art reference.

With respect to claim 1, the Examiner is equating the plurality of telecommunications devices recited in claim 1 with the speaker 14, digital receive circuit 44 and analog receive circuit 46 of Fig. 1 in *Heidari*. Applicants respectfully traverse such an assertion by the Examiner in that these are not telecommunications devices, and that the Examiner is interpreting this claim language in an unreasonably broad manner. The Examiner may interpret the claims with their broadest reasonable meaning of the words, but this broad interpretation must still be limited to the ordinary usage of such terms as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in Applicants' Specification. MPEP § 2111. The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *Id.* Nevertheless, in order to move the Application towards allowance, Applicants have amended claim 1 so that two or more of the plurality of telecommunications devices each further comprises both a speaker and a microphone for enabling a user to audibly communicate with the call. None of the speaker 14, digital receive 44, or analog receive 46 is a telecommunications device that further comprises both a speaker and a microphone for enabling a user to audibly communicate with the call. Though the cellular telephone 10 disclosed in *Heidari* has a microphone and a speaker, there is no capability within *Heidari* for the switching circuitry (as asserted by the Examiner) within telephone 10 to connect an incoming call to one of a plurality of telecommunications devices, wherein two or more of such devices each have both a microphone and a speaker permitting a user to communicate with the call. As a result, amended claim 1, and all claims depending therefrom, are not anticipated by *Heidari*.

With respect to claim 3, Applicants respectfully incorporate their traversals above with respect to claim 1. Furthermore, Applicants respectfully assert that items 60, 64, 66 and 68 do not comprise a digital cross-point matrix. Applicants respectfully refer the Examiner to page 13 of the previous amendment filed by Applicants where Applicants defined a digital cross-point matrix, or switch. The Examiner is taking an unreasonably broad interpretation of digital cross-point matrix in asserting that items 60, 64, 66 and 68 teach such circuitry. MPEP § 2111. Moreover, the Examiner is ignoring the language "cross-point matrix" with his interpretation, and is essentially equating it with "switches."

Claim 70 is patentable for the same reasons as claim 3.

Regarding claim 12, it has been amended in a manner similarly as claim 1, and is thus patentable over *Heidari* for the same reasons.

Claims 18 and 19 depend upon amended claim 1, and are patentable for the same reasons as given above.

With respect to claim 20, it has been amended to be in independent form. Furthermore, the vocoder 74 in *Heidari* is not the same as a recording buffer. The vocoder 70 in *Heidari* merely comprises compression and expansion circuits, and is not capable of recording all or a portion of an incoming call during an off-hook state.

With respect to claims 24-26, these claims now depend upon amended claims, and are patentable for the same reasons.

With respect to claim 27, it has been amended similarly as claim 1, and as patentable for the same reasons.

With respect to claim 71, it recites that the plurality of telecommunications devices are telephone extensions accessible solely through the switching circuitry. The Examiner has failed to specifically address this claim language, and for this reason alone has failed to prove a *prima facie* case of anticipation. Furthermore, on page 9 of Paper No. 14, the Examiner admits that *Heidari* fails to teach such telephone extensions, and thus by the Examiner's own admission, *Heidari* cannot anticipate claim 71. Yet still further, the telecommunications devices cited in *Heidari* by the Examiner as speaker 14, and circuits 44 and 46 are clearly not telephone extensions. A telephone extension is known in the art as an additional telephone connected to a line. Newton's Telecom Dictionary, 17<sup>th</sup> Edition, page 264.

Claim 72 recites circuitry for permitting a user of a telephone coupled to a system to monitor a voicemail message while the message is being recorded into the user's mailbox. The Examiner has rejected claim 72 for the same reasons as the Examiner rejected claim 18. However, this circuitry is not recited in claim 18. Thus, the Examiner has failed to prove a *prima facie* case of anticipation in rejecting claim 72, since the Examiner has ignored this claim limitation. Furthermore, *Heidari* does not in any way teach or suggest circuitry for permitting a user of a telephone coupled to the system to monitor a voicemail message while the message is being recorded into the user's mailbox.

Regarding claim 73, *Heidari* does not teach or suggest that a received call is switched to any of devices 12, 14, 44 or 46 in accordance with DTMF tones.

#### V. REJECTIONS UNDER 35 U.S.C. § 103

Claims 74 and 77 stand rejected under 35 U.S.C. § 103 as being unpatentable over *Heidari* in view of *Smith* (U.S. Patent No. 6,597,924). In response, Applicants respectfully traverse this rejection.

Claim 74 depends upon amended claim 1, and is patentable for similar reasons as given above with respect to claim 1.

Claim 77 has been amended to be in independent form. On page 9 of Paper No. 14, the Examiner has admitted that *Heidari* fails to teach that the switching circuitry connects the incoming call to a plurality of telephone extensions. Thus, the Examiner has admitted that *Heidari* fails to disclose this claim limitation, and the Examiner is relying upon *Heidari* to teach such claim limitations. Further, the combination of *Heidari* and *Smith* fails to teach such claim limitations. Applicants incorporate their arguments from above with respect to claim 71.

*Smith* teaches a cellular telephone 16 coupled to a CO trunk in Figs. 1 and 2. Combining *Smith* and *Heidari*, there still is no teaching or suggestion of switching circuitry that connects an incoming call to one of a plurality of telecommunication devices coupled to the system as telephone extensions to the system. As asserted above, the "devices" noted by the Examiner in *Heidari* are not telephone extensions, as this term is known in the art.

Claims 6, 58-61, 69, 75-76, 79 and 81-82 stand rejected under 35 U.S.C. § 103 as being unpatentable over *Heidari* in view of *Alfred* (U.S. Patent No. 6,393,275). In response, Applicants respectfully traverse these rejections.

The Examiner admits that *Heidari* fails to teach the switching circuitry connecting the incoming call to a telecommunications device coupled to the system from among a plurality of telecommunications devices connected as telephone extensions. The Examiner attempts to overcome this deficiency by referring to the Abstract and column 1, lines 40-52 of *Alfred*. However, what *Alfred* is teaching is the connection by a base station of a call to a plurality of cell phones communicating with the base station. As taught in *Alfred* at column 5, lines 25-35, the modified mobile switching center 100, or base station, performs all of the switching of incoming calls to cellular telephones 112, 114, 122. According to the Examiner's interpretation of *Heidari*, *Heidari* teaches switching occurring within the cell phone to various ones of circuits 14, 44, 46. However, the switches the Examiner has cited to in *Heidari* are not capable of switching an incoming call to a plurality of cellular telephones, or extensions. The switching of incoming calls in a base station to a plurality of cellular telephones communicating with the base station combined with the switches 58, 60, 84, 86, 68, 66 in *Heidari* switching signals to the analog receive circuit 46, digital receive circuit 44, or speaker 14 does not lead one skilled in the art at the time the invention was made to a telephone call and processing system that switches incoming calls to one of a plurality of telephone extensions where the system also includes voice processing circuitry for automatically interacting with the call where such switching circuitry and voice processing circuitry are controlled by a single processing means and by a single set of software that controls both of the switching circuitry and the voice processing circuitry. *Alfred* does not teach, contrary to the Examiner's assertion, that one of the cellular phones serves as the parent while the others serve as extensions of that parent. Instead, the processes disclosed in the Specification of *Alfred* and described in the flow diagrams are all accomplished within the base station, or MMSC. Though one of the telephones may be the "designated" as a parent, switching does not occur within that telephone, but instead remains with the MMSC. In fact, it could be said that the *Heidari* cellular telephone would be merely one of the telephones 112, 114, 122 within the *Alfred* system. In such a case, it would be

clear that the switching circuitry and voice processing circuitry would not be controlled by a single set of software with a single processing means.

Claims 58 and 69 are patentable over *Heidari* and *Alfred* for the same reasons as claim 6.

Claims 78 and 80 stand rejected under 35 U.S.C. § 103 as being unpatentable over *Heidari* in view of *Alfred* and *Smith*. Applicants respectfully traverse these rejections for the same reasons as given above.

Claim 83 stands rejected under 35 U.S.C. § 103 as being unpatentable over *Heidari* as applied to claim 1 and in view of *Alfred* and *Smith*. Applicants respectfully traverse. Applicants arguments given above with respect to claims 1 and 6 are incorporated herein. Further, the Examiner is relying solely upon hindsight reasoning to combine the three prior art references. Nothing within *Smith* or *Alfred* teaches or suggests that the switching circuitry can be combined with the voice processing circuitry in the cellular telephone of *Heidari*. The switching circuitry cited by the Examiner in *Heidari* is not in any way similar to the switching circuitry recited in *Smith* and *Alfred*. One skilled in the art at the time the invention was made would not have combined these three prior art references to arrive at claim 83. The motivation provided by the Examiner on page 11 of the Office Action is the Examiner's subjective opinion, which does not amount to objective evidence required to support a *prima facie* case of obviousness.

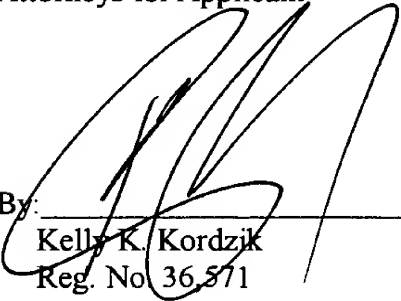
## VI. CONCLUSION

As a result of the foregoing, it is asserted by Applicants that the remaining Claims in the Application are in condition for allowance, and respectfully request an early allowance of such Claims.

Applicants respectfully request that the Examiner call Applicants' attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining problems.

Respectfully submitted,

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